

NEBRASKA DEPARTMENT
OF INSURANCE

APR 06 2001

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	FINDINGS OF FACT,
DEPARTMENT OF INSURANCE,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
PETITIONER,)	ORDER
)	
vs.)	
)	CAUSE NO.: A-1429
RICHARD MARK HILL,)	
)	
RESPONDENT.)	

This matter came on for hearing on the 4th day of April, 2001, before Christine Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance ("Director"). The Nebraska Department of Insurance ("Department") was represented by its attorney, Linda Sanchez-Masi. Respondent Richard Mark Hill appeared pro se. The Rules of Evidence were not requested and the hearing was governed accordingly. The proceedings were tape recorded by Peg Jasa, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the Hearing Officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.
2. Respondent is a licensed resident insurance agent whose registered address with the Department is 401 Sante Fe Trail, Lincoln, Nebraska. Respondent's resident insurance agent's license is currently suspended for a term of one (1) year. Said

suspension commenced on December 13, 2000, with the issuance of an Order by the Director of Insurance in the matter of the State of Nebraska Department of Insurance v. Richard Mark Hill, Cause No: A-1399. A certified copy of the Order was received into evidence as Exhibit 2. In addition to the suspension, the Order requires Respondent to pay an administrative fine of \$500.00 within forty-five (45) days from the date the Director of Insurance signed the Order. The deadline for payment of the \$500.00 administrative fine was January 27, 2001.

2. Respondent failed to pay the administrative fine on or before January 27, 2001.

3. On or about March 1, 2001, Department counsel sent a letter to Respondent regarding his failure to pay the administrative fine. (Exhibit 5).

4. Respondent called Department counsel on March 6, 2001, to request a payment plan. Department counsel denied the request.

5. The Department filed a Petition and Notice of Hearing on March 7, 2001, which was served upon Respondent by mailing the same to his address of record by certified mail, return receipt requested. Respondent received the Petition and Notice of Hearing on March 9, 2001, as evidenced by the return receipt card attached to Exhibit 4.

6. In its Petition, the Department alleged a violation of the Department's December 13, 2000, Order by Respondent's failure to pay the \$500.00 administrative fine, specifically Neb. Rev. Stat. §44-4028 (1) which authorizes the Director to revoke or suspend any person's license if the Director determines that such person has violated any insurance law or any lawful rule, regulation or order of the director or of a director or

commissioner of another state, district or territory of the United States or any province of Canada.

7. To date, Respondent has not paid the \$500.00 administrative fine. The Hearing Officer finds that Respondent had knowledge of his obligation to pay the administrative fine upon receipt of the December 13, 2000, Order and had ample time to appeal the Order, pay the administrative fine, or make arrangements with Department counsel to enter into a payment agreement of some type and for whatever reason failed to do so.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.
2. The Department has personal jurisdiction over Respondent.
3. Respondent violated Neb. Rev. Stat. §44-4028 (1).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that the resident insurance agent license of Richard Mark Hill be revoked.

Dated this 5th day of April, 2001.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


HEARING OFFICER

ORDER

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance vs. Richard Mark Hill, Cause No. A-1429.

Dated this ~~April~~ 6th day of April, 2001.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order and Order was served upon Respondent at 401 Sante Fe Trail, Lincoln, Nebraska 68521 by certified mail, return receipt requested, and by U.S. Mail, postage prepaid on this 6th day of April, 2001.

